STATE OF NEW YORK

8395--B

2023-2024 Regular Sessions

IN ASSEMBLY

December 13, 2023

Introduced by M. of A. STERN, THIELE, LAVINE, JEAN-PIERRE, SIMON, K. BROWN, E. BROWN, DeSTEFANO, GANDOLFO, BLUMENCRANZ, CHANG, DURSO, FLOOD, McDONOUGH, BLANKENBUSH, GRAY, SLATER, BENDETT, LUNSFORD, McDONALD, COLTON, BUTTENSCHON, PHEFFER AMATO, JONES, CONRAD, FALL, SANTABARBARA, WALLACE, STIRPE, WILLIAMS, RA, SILLITTI -- Multi-Sponsored by -- M. of A. SHIMSKY -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to adding xylazine to the depressants designated as controlled substances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of section 3305 of the public health law is amended by adding a new paragraph (e) to read as follows:

(e) to any individual who possesses, sells, administers, prescribes, or distributes any substance containing xylazine expressly intended for administration through injections to cattle or other nonhuman species and that are approved by the federal food and drug administration solely for such use.

§ 2. Subdivision (e) of schedule I of section 3306 of the public health law is amended by adding a new paragraph 7 to read as follows:

(7) Xylazine (N- (2, 6-dimethylphenyl) - 5, 6-dihydro-4H-1,3 thiazin-2-a-mine). This subdivision shall not include any substance containing xylazine expressly intended for administration through injections to cattle or other nonhuman species and that are approved by the federal food and drug administration. Any individual who knowingly and willfully administers to themself or another person, prescribes, dispenses or distributes such substances when any such substance is intended for

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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human consumption or for any purpose other than injection to cattle or nonhuman species shall be subject to the same penalties as any individual or practitioner who violates the provisions of this section, section thirty-three hundred four of this title, or any other penalties prescribed by law.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.